

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 26, 2016**

Present: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Karen Keys-Gamarra, Sully District

Absent: Kenneth A. Lawrence, Providence District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:20 p.m., by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

RZ/FDP 2016-DR-001/PAC 1999-HM-037/SEA 97-H-070-03 – NVR, INC (Decision Only)
(The public hearing was held on September 14, 2016)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. Back in September, on the 14th, we had a public hearing on an application involving Woodland Park, NVR Inc., a PCA, SEA, and RZ/FDP and we deferred the decision to this evening. This - this proposal request to change in the current zoning to permit development of a mix of 295 multifamily dwelling units, with 52 two-over-two dwelling units, as well as 32 townhomes. There were a number of questions that were raised at the public hearing. Many of them were answered at the public hearing or information was provided but there were a number that were still open. And we received a staff report addendum dated October 11th, which was distributed – there is a copy this evening – but I believe there were copies distributed earlier to the Planning Commission and I believe that these – in the addendum we satisfactorily address most of the remaining issues, including the resolution of the open question involving the Reston Transportation Fund. They proposed a change in revision to the proffers that is consistent with language that we have been using with other recent staff – applications involving Reston. And we have reconfigured the one section of the two-over-two units to eliminate or, at least, minimize the traffic conflict that the staff had met – had discussed in the staff report initially. They've added additional information about trash receptacles in the garages. They've added fencing, as brought up by Commissioner Flanagan, along the edge of the proposed park around the edge of the stormwater pond and provided information in connection

with his questions about what the County's current requirements are in connection with similar ponds. And they've also provided additional justification to show substantial conformance with the FAR tabulations and based on all that, I think that we are ready to move on this application. I think we need a representative of the applicant, at least for the confirming. Come on down and...

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening, I'm Elizabeth Baker. I'm a planner with Walsh, Colucci representing the applicant.

Commissioner Ulfelder: Yes. Could you confirm, for the record, the applicant's agreement to the proposed PRC Development Conditions now dated October 11th, 2016?

Ms. Baker: I can, yes.

Commissioner Ulfelder: Okay, thank you. With that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-HM-037 TO DELETE 11.95 ACRES FROM RZ 1999-HM-037, APPROVED FOR THE PDC DISTRICT; APPROVAL OF SEA 97-HM-070-03 TO DELETE 11.95 ACRES FROM SE 97-HM-070; APPROVAL OF RZ 2016-DR-01 AND THE CONCEPTUAL DEVELOPMENT PLAN SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 7TH, 2016; AND APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED YOU - TO YOU THIS EVENING DATED OCTOBER 26TH, 2016, WHICH WILL BE MADE PART OF THE RECORD.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion?

Commissioner de la Fe: One question, Mr. Ulfelder?

Commissioner Ulfelder: Yes?

Commissioner de la Fe: When you ask the applicant...

Chairman Murphy: Mic.

Commissioner de la Fe: Oh, when you ask the applicant to confirm the development, you said PRC Development Conditions and I don't think this is PRC.

Chairman Murphy: Is it SEA?

Commissioner de la Fe: It – it should be P, PBC or something else.

Commissioner Ulfelder: It should be PCA.

Ms. Baker: It's FDP.

Commissioner de la Fe: Or FDP or something, pardon?

Ms. Baker: I think it's the FDP Development Conditions.

Commissioner de la Fe: FDP. FDP.

Ms. Baker: In Appendix 2.

Commissioner Ulfelder: I think it's the FDP, that's correct, yes – because those are the only development conditions, the rest are proffers. So, it's the FDP DEVELOPMENT CONDITIONS DATED OCTOBER 11TH, 2016.

Ms. Baker: And I confirm that, we agree with those.

Commissioner Ulfelder: Thank you.

Ms. Baker: Thank you.

Commissioner Ulfelder: And thank you, Mr. de la Fe.

Chairman Murphy: Alright, seconded by Mr. de la Fe. Is there a discussion? All those in.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart?

Commissioner Hart: Yes, I did not recuse myself at the public hearing, but things have changed between then and now. I would have recused myself, then I'm going to and I just would ask that be recorded as not voting and anything we are doing tonight.

Chairman Murphy: Okay. All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1999-HM-037 and SEA 97-H-070-03 and RZ 2016-DR-001 and for the Planning Commission to approve FDP 2016-DR-001, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. All those in favor of the motion to...

Commissioner Strandlie: Mr. Chairman? I was here for the hearing so I would like to recuse myself.

Chairman Murphy: Okay, Ms. Strandlie is not voting. She was not here for the public hearing. All those in favor of the motion to approve the waivers etcetera as articulated by Mr. Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 7-0. Commissioners Hart and Strandlie recused themselves from the vote. Commissioners Hedetniemi, Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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Commissioner Hart announced that the Commission's next Environment Committee meeting has been moved from December 8, 2016 to January 18, 2017, and would meet at 7 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Commissioner Murphy announced that the Commission's Land Use Process Review Committee had met earlier this evening for a presentation from staff regarding the Planning Land Use System (PLUS).

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda.

1. PA 2016-II-M1 – LANGLEY FORK HISTORIC OVERLAY EXPANSION
RZ 2016-DR-021 – FAIRFAX COUNTY BOARD OF SUPERVISORS
2. SE 2016-LE-002/RZ 2016-LE-006 – PMG MID ATLANTIC, LLC

This agenda was accepted without objection.

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RZ 2016-DR-021 - FAIRFAX COUNTY BOARD OF SUPERVISORS – Appl. to rezone from R-1 to R-1, HD to permit the expansion of Langley Historic Overlay District with a total density of 1 dwelling units per acre (du/ac). Located on the E. side of Turkey Run Rd., approx. 250 ft. N. of its intersection with Georgetown Pike, on approx. 1.44 ac. of land. Comp. Plan Rec: Residential. Tax Map 22-3 ((1)) 50 and 51. (Concurrent with PA 2016-II-M1.) (DRANESVILLE DISTRICT) (PUBLIC HEARING)

PA 2016-II-M1 - LANGLEY FORK HISTORIC OVERLAY EXPANSION – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with

the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 1.44 ac. generally located at 1013 and 1011 Turkey Run Road (Tax map# 022-3((01)) 51 and 50) in the Dranesville Supervisor District. The Amendment proposes to amend the Comprehensive Plan Map to designate these two parcels as being included within the boundaries of the Langley Fork Historic Overlay District. PA #2016-II-M1 is concurrently under review with Rezoning application RZ 2016-DR-021.
(DRANESVILLE DISTRICT) (PUBLIC HEARING)

Kris Abrahamson, Applicant's Agent, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), reaffirmed the affidavit dated July 26, 2016.

There were no disclosures by the Commission.

Leanna O'Donnell, Planning Division (PD), DPZ, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application PA 2016-II-M1.

Casey Gresham, ZED, DPZ, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application RZ 2016-DR-021.

Commissioner Ulfelder discussed with Ms. Blankenship the comments in the staff report which indicated that recently part of the Langley Forks Historic Overlay District was found eligible for listing on the National Register for Historic Places; wherein, Ms. Blankenship said the National Register District boundaries were routinely revised by county staff and she could have this property included for consideration.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Ann Alexander, 7255 McLean Commons Lane, McLean, said she owned the property across the street, 1010 Turkey Run Road, from the proposed application and voiced her concern over how this would affect the surrounding properties in the area if it were granted.

Edward Alexander, 7255 McLean Commons Lane, McLean, reiterated the previous speakers concerns stating that while he was in support of the historical district he was concerned how this could affect his ability to build on his own property. He requested the Commission to defer this application for two weeks to allow him to consult with neighbors and look further into the issue.

Commissioner Ulfelder confirmed with staff that the speaker's property would be located outside the boundary for the Historic Overlay District; therefore, it would have no effect on their ability to improve their property.

Commissioner Flanagan discussed with Ms. Blankenship if the speaker's property would be within the historic district view shed control; wherein, Ms. Blankenship explained that the

Zoning Ordinance addresses impacts of view sheds on properties located within the historic district only. She confirmed that the speaker's property would not be subject to those regulations.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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(Start Verbatim Transcript)

Chairman Murphy: Public hearing is closed. Mr. Ulfelder, please.

Commissioner Ulfelder: I think this property is historic. Doug Mackall was born in the bedroom on the second floor at the top of the stairs. I'm not sure – I don't know if Henry Mackall was born there or not, but I don't think he was within the house – but two very prominent folks who have a lot to do with the preservation of the history in McLean and have been very involved in the overall Fairfax County community as well. Mr. Chairman, it is clear to me that the Mackall-Hall house and property belongs in the Langley Fork Historic Overlay District. At this point, we don't know why it was not included when the district was created in 1980. We have an opportunity, at this point, to change that and primarily due to a devoted homeowner, who has maintained and cared lovingly for this property since she and her husband bought it in 1960. In fact, I met with Mrs. Richardson today. I visited the house. We sat. We chatted. We talked about her experiences there and raising her family there. She move there from, she and her husband, when they moved up from New Orleans in 1960 – 1961 with four children. The oldest at that time, the four children at that time, the oldest was four years old so – and talking about some of the great experiences that her family had living there and growing up in this – in the house and in the Langley Fork – Forks area. Mrs. Richardson, with the help of her daughter Melanie, carefully documented the history of the house and its various owners. The county responded by, first, adding it to the Inventory of Historic Sites in 2015. Now, with the full support of the History Commission and the Architectural Review Board, we have the opportunity to bring it in to the Langley Forks Historic Overlay District, along with the adjacent and nearby historically significant private properties that are already in the district. So, at this point, I have two separate motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2016-II-M1, AS FOUND IN THE STAFF REPORT DATED SEPTEMBER 7TH, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that they adopt PA 2016-II-M1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Second motion, I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2016-DR-021.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-DR-021, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 9-0. Commissioners Hedetniemi, Lawrence and Sargeant were absent from the meeting.

(End Verbatim Transcript)

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SE 2016-LE-002 - PMG MID ATLANTIC, LLC – Appl. under Sects. 4-504, 7-607, and 9-505 of the Zoning Ordinance to permit a service station, quick-service food store, and a car wash in a Highway Corridor Overlay District. Located at 6201 Franconia Rd., Alexandria, 22310, on approx. 41,285 sq. ft. of land zoned C-5, HC. Tax Map 81-3 ((5)) 6. (Concurrent with RZ 2016-LE-006.) (LEE DISTRICT) (PUBLIC HEARING)

RZ 2016-LE-006 - PMG MID ATLANTIC, LLC – Appl. to rezone from C-5, R-1, and R-2 to C-5, HC to permit a service station, quick-service food store, and car wash with an overall Floor Area Ratio (FAR) of 0.08. Located in the S.W. quadrant at the intersection of Franconia Rd. and Grovedale Dr., on approx. 41,285 sq. ft. of land. Comp. Plan Rec: Retail and Other Commercial Uses. Tax Map 81-3 ((5)) 6. (Concurrent with SE 2016-LE-002). (LEE DISTRICT) (PUBLIC HEARING)

Keith Martin, Applicant's Agent, Tramonte, Yeonas, Roberts & Martin PLLC, reaffirmed the affidavit dated September 19, 2016.

There were no disclosures by the Commission.

Casey Gresham, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She recommended approval of applications SE 2016-LE-002 and RZ 2016-LE-006 with the exception of the modification to Paragraph 1, to allow lighting to exceed 30 foot candles.

Commissioner Migliaccio clarified with staff why the inter-parcel access was addressed in both the proffers and Development Condition 20; wherein, Ms. Gresham explained that it was intended to be removed from the development conditions with the addition of the proffer. She said it would be removed from the conditions prior to going before the Board of Supervisors.

Commissioner Hart asked staff about the language used regarding the inter-parcel access easement in the proffers; wherein, Kris Abrahamson, ZED, DPZ, agreed that the language should be amended to reflect the standard language acceptable for easements and to delete Development Condition 20.

Mr. Martin noted the recommendation of approval from the Lee District Land Use Committee. He said he agreed with the amendment to the proffer language regarding the inter-parcel access easement along with having it removed from the Development Conditions.

Commissioner Keys-Gamarra discussed with Mr. Martin staff's recommendation for denial over the modification to the lighting request; wherein, Mr. Martin said that the applicant had made the request because they wanted it brighter due to safety issues. He said the applicant had no objection to the Commission denying the modification request and intended to move forward without it.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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(Start Verbatim Transcript)

Chairman Murphy: Public hearing is closed. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I know, Mr. Martin, you had stated before, but can we get you back up for the verbatim on the record? One more chance. Do you agree with the development conditions and understand the development conditions dated October 25th, 2016, with Number 20 being struck?

Keith Martin, Applicant's Agent, Tramonte, Yeonas, Roberts & Martin: Yes sir.

Commissioner Migliaccio: Thank you. And, also you will be amending the proffers? It is my understanding – Proffer Number 4 to reflect the land we said, we spoke about earlier about the...

Mr. Martin: In the forum, as approved by the County Attorney.

Commissioner Migliaccio: Okay, perfect. Thank you, Mr. Martin. Thank you, Mr. Chairman, as we heard tonight this is a simple gas station renovation. They are going to turn it into a mini-mart. They are going to add a drive – a carwash. It does have the Lee District Land Use Committee support and it does have support of county staff. And, I am going to make a series of motions then. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-LE-006 SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS DATED OCTOBER 11TH, 2016, WITH THE AMENDMENT TO NUMBER FOUR THAT WOULD BE MADE PRIOR TO THE BOARD OF SUPERVISORS MEETING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-LE-006, with an amended proffer, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-LE-002, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 25TH, 2016, WITH DEVELOPMENT CONDITION NUMBER 20 STRUCK.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2016-LE-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET DEVIATION IN FAVOR OF THE PROPOSED VEGETATION SHOWN ON THE GDP/SE PLAT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor, say aye?

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT – I MOVE TO THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF THE MODIFICATION OF PARAGRAPH 1 OF SECTION 14-903 TO ALLOW LIGHTING TO EXCEED 30 FOOTCANDLES.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye?

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motions carried by a vote of 9-0. Commissioners Hedetniemi, Lawrence and Sargeant were absent from the meeting.

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The meeting was adjourned at 9:00 p.m.

Peter F Murphy, Chairman

James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Teresa M. Wang

Approved on: March 29, 2017



John W. Cooper, Clerk
Fairfax County Planning Commission